

EXHIBIT 11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF GEORGIA
ATLANTA DIVISION

TASER INTERNATIONAL, INC., et al.)
)
Plaintiffs,)
)
vs.) CIVIL ACTION
) FILE NO.:
) 1:10-CV-03108-JOF
MORGAN STANLEY & CO., INC., et al.)
)
Defendants.)

VIDEOTAPED DEPOSITION OF
ROBERT M. BAKER, M.D.
OCTOBER 13, 2010
9:30 A.M.

BONDURANT, MIXSON & ELMORE
1201 WEST PEACHTREE STREET, NW
SUITE 3900
ATLANTA, GEORGIA

CONTAINS CONFIDENTIAL PORTIONS
PURSUANT TO PROTECTIVE ORDER

REPORTED BY:
STEVEN S. HUSEBY, RPR
CCR-B-1372

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|---|--|
| <p>1 PROCEEDINGS</p> <p>2</p> <p>3 THE VIDEOGRAPHER: Good morning. 09:32:13</p> <p>4 My name is Michael McElroy of Veritext New 09:32:14</p> <p>5 York. The date today is October 13, 2010. 09:32:17</p> <p>6 The time is approximately 9:32 a.m. 09:32:21</p> <p>7 This deposition is being held in the office 09:32:24</p> <p>8 of Bondurant, Mixson & Elmore, 1201 West 09:32:26</p> <p>9 Peachtree Street, Suite 3900, Atlanta, 09:32:30</p> <p>10 Georgia. 09:32:30</p> <p>11 The caption of this case is TASER 09:32:34</p> <p>12 International Incorporated, et al. versus 09:32:37</p> <p>13 Morgan Stanley & Company, et al., in the 09:32:38</p> <p>14 United States District Court for the Northern 09:32:42</p> <p>15 District of Georgia. The name of the witness 09:32:44</p> <p>16 is Robert M. Baker, M.D. 09:32:46</p> <p>17 At this time the attorneys will identify 09:32:50</p> <p>18 themselves and the parties they represent, 09:32:52</p> <p>19 after which our court reporter, Steve Huseby, 09:32:55</p> <p>20 will swear in the witness and we can proceed. 09:32:57</p> <p>21 MR. ELIAS: Brad Elias of 09:32:59</p> <p>22 O'Melveny & Myers for defendants Banc of 09:33:02</p> <p>23 America Securities, LLC and Merrill Lynch 09:33:06</p> <p>24 Pierce Fenner & Smith, Incorporated. We also 09:33:09</p> <p>25 represent Merrill Lynch Professional Clearing 09:33:10</p> | <p>1 A. Yes. 09:34:04</p> <p>2 Q. Is that your counsel seated beside 09:34:04</p> <p>3 you? 09:34:07</p> <p>4 A. Yes. 09:34:07</p> <p>5 MR. JEWELL: Brad, it's my 09:34:07</p> <p>6 understanding that we'll proceed with this 09:34:08</p> <p>7 deposition pursuant to the previous 09:34:10</p> <p>8 stipulations set forth in earlier depositions. 09:34:11</p> <p>9 MR. ELIAS: That is correct. 09:34:13</p> <p>10 MR. JEWELL: Okay. 09:34:14</p> <p>11 BY MR. ELIAS: 09:34:14</p> <p>12 Q. I'm sure your counsel has described 09:34:15</p> <p>13 the process for you, but I just want to make 09:34:17</p> <p>14 assure you understand a few things about how 09:34:19</p> <p>15 we're going to go forward today. 09:34:21</p> <p>16 You understand you've just taken an oath to 09:34:23</p> <p>17 tell the truth, and you understand that even 09:34:25</p> <p>18 though we're in a conference room that this 09:34:26</p> <p>19 oath is if same as you would take in court? 09:34:28</p> <p>20 If you don't understand a question please 09:34:31</p> <p>21 let me know so I can clarify it for you. 09:34:33</p> <p>22 A. (Witness nods head affirmatively.) 09:34:35</p> <p>23 Q. If you don't hear any part of 09:34:36</p> <p>24 question, please tell me. Now, because your 09:34:37</p> <p>25 answers are being recorded by the court 09:34:41</p> |
| 11 | 13 |
| <p>1 Corporation, although Merrill Lynch 09:33:12</p> <p>2 Professional Clearing Corporation is not 09:33:14</p> <p>3 appearing at this deposition today. 09:33:16</p> <p>4 MR. COBB: James Cobb with 09:33:18</p> <p>5 Rogers & Hardin. I represent all defendants. 09:33:20</p> <p>6 MR. JEWELL: Gary Jewell of 09:33:22</p> <p>7 Christian, Smith & Jewell on behalf of all the 09:33:24</p> <p>8 plaintiffs. 09:33:27</p> <p>9 ROBERT M. BAKER, M.D.</p> <p>10 being first duly sworn, was examined and</p> <p>11 testified as follows:</p> <p>12 EXAMINATION</p> <p>13 BY MR. ELIAS:</p> <p>14 Q. Good morning, Dr. Baker. My name is 09:33:41</p> <p>15 Brad Elias. I'm counsel for Banc of America 09:33:43</p> <p>16 Securities and Merrill Lynch. Would you 09:33:46</p> <p>17 please state your full name for the record and 09:33:47</p> <p>18 spell it? 09:33:49</p> <p>19 A. Robert, R-O-B-E-R-T, Marian, 09:33:49</p> <p>20 M-A-R-I-A-N, Baker, B-A-K-E-R, M.D. 09:33:54</p> <p>21 Q. What is your current address? 09:33:57</p> <p>22 A. 2512 Sea Island Drive, Ft. Lauderdale, 09:33:58</p> <p>23 Florida, 33301. 09:34:01</p> <p>24 Q. And are you represented by counsel 09:34:02</p> <p>25 here today? 09:34:03</p> | <p>1 reporter, you must give a verbal response. If 09:34:44</p> <p>2 you shake your head or say uh-huh or anything 09:34:46</p> <p>3 like that, he's not going to be able to pick 09:34:48</p> <p>4 it up so please try to keep your answers to 09:34:51</p> <p>5 yes or no. 09:34:54</p> <p>6 Now, there's going to be times when Gary is 09:34:54</p> <p>7 going to object to certain questions. Unless 09:34:57</p> <p>8 he instructs you not to answer please answer 09:34:59</p> <p>9 the question anyway. 09:35:01</p> <p>10 A. (Witness nods head affirmatively.) 09:35:02</p> <p>11 Q. And today we're going to be discussing 09:35:03</p> <p>12 TASER International, Incorporated. Is it all 09:35:05</p> <p>13 right if I refer to that just as TASER, you'll 09:35:08</p> <p>14 know what I'm talking about? 09:35:11</p> <p>15 A. Sure. 09:35:12</p> <p>16 Q. Great. 09:35:12</p> <p>17 MR. COBB: Brad, before we get 09:35:13</p> <p>18 started, I want to note one thing on the 09:35:14</p> <p>19 record. Since the case has been removed to 09:35:16</p> <p>20 federal court, the usual stipulations and the 09:35:17</p> <p>21 past stipulations will apply. We're also 09:35:20</p> <p>22 proceeding under the Federal Rules of Civil 09:35:22</p> <p>23 Procedure. 09:35:24</p> <p>24 BY MR. ELIAS: 09:35:24</p> <p>25 Q. Now, Dr. Baker, did you do anything to 09:35:28</p> |

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